

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT FIREMAN and ANN RAIDER,

Plaintiffs,

v.

Civil Action No. 05-11740-MLW

NEWS AMERICA MARKETING IN-STORE,
INC.,

Defendant.

**JOINT STATEMENT OF COUNSEL REGARDING
SETTLEMENT, MEDIATION, AND POTENTIAL SUMMARY JUDGMENT MOTION**

Pursuant to the Court's June 28, 2007 Order (Document 38), counsel for the parties were instructed to report to the Court by September 14, 2007 on settlement, mediation, and whether any basis exists for filing a motion for summary judgment.

Counsel for both parties hereby report to the Court that they have met to explore the possibility of settlement, but at the present time Defendant News America Marketing In-Store, Inc. ("NAM") does not believe that the parties will be able to reach a settlement. Counsel for the Plaintiffs is willing to participate in mediation. NAM does not believe that mediation would be productive in this case.

NAM also believes that there are strong grounds for a motion for summary judgment dismissing the action. These grounds are set forth, in part, in Section IV (pp. 26-31) of NAM's Opposition to Plaintiffs' Motion to Compel Responses to Discovery Requests from Defendant, filed on June 4, 2007.

ROBERT FIREMAN and ANN RAIDER

NEWS AMERICA MARKETING IN-STORE,
INC.

By their attorneys,

By its attorneys,

/s/ Kevin T. Peters

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Dated: September 14, 2007
Boston, Massachusetts

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 14th day of September, 2007.

/s/ Gordon P. Katz
Gordon P. Katz